

***CITY COUNCIL CALENDAR***

**Thursday, June 27, 2019**

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***OPENING OF SESSION BY:***

***CITY COUNCIL PRESIDENT LINDA M. MORAD***

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***PRAYER LED BY:***

***REVEREND PAMELA J. COLE, PRESIDENT, GREATER NEW BEDFORD CHAPTER OF  
CHURCH WOMEN UNITED***

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***PLEDGE OF ALLEGIANCE***

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***MAYOR'S PAPERS***

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$300,000.00 from PUBLIC INFRASTRUCTURE CAPITAL OUTLAY to PUBLIC INFRASTRUCTURE OTHER FINANCING USES.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Parks and Recreation Department, known as the **RIFLE RANGE REVOLVING FUND**, whose revenues collected and amount limited to be spent estimated at **\$50,000.00**, is hereby authorized for **FISCAL YEAR 2020**.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for HANNAH NIEMI, LIFEGUARD, in the Department of Parks, Recreation and Beaches, who resides in Fairhaven, MA.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MICHAEL J. MOTTA, as ADMINISTRATIVE ASSISTANT to the BOARD OF ASSESSORS, for a five (5) year term to expire June 27, 2024, a ONE YEAR WAIVER OF RESIDENCY and approval for Mr. Motta's salary at Step 4 Grade M-15. (\$91,436.00) is also requested.

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of MICHAEL J. MCLUSKEY, Acushnet, MA, 02743, as a CONSTABLE.

M5a. AN APPLICATION,

## ***NEW BUSINESS***

1. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of LEE BENTLEY, Park Keeper, as the Department of Public Infrastructure's designee to the BOARD OF PARK COMMISSIONERS; replacing Charles Cotter who has resigned; this term will expire May 2020.

1a. COMMUNICATION, Mayor Mitchell to City Council, submitting the APPOINTMENT of LEE BENTLEY, Park Keeper, as the Department of Public Infrastructure's designee to the BOARD OF PARK COMMISSIONERS; replacing Charles Cotter who has resigned; this term will expire May 2020. (Referred to the Committee on Appointments and Briefings - May 23, 2019.)

2. REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **"NO FURTHER ACTION"** on a WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments & Briefings meet with the Library Director and Library Board of Trustees, for the purpose of discussing the location, storage and the value of the artwork that the City owns; and further that the Library Board of Trustees take the Committee on tour of this artwork.

2a. WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments & Briefings meet with the Library Director and Library Board of Trustees, for the purpose of discussing the location, storage and the value of the artwork that the City owns; and further that the Library Board of Trustees take the Committee on tour of this artwork. (Referred to the Committee on Appointments and Briefings – July 16, 2015.)

3. REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **"NO FURTHER ACTION"** on a WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the "Grand Panorama of a Whaling Voyage Around the World" stays in New Bedford, this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City's history.

3a. WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the "Grand Panorama of a Whaling Voyage Around the World" stays in New Bedford, this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City's history. (Referred to the Committee on Appointments and Briefings - December 14, 2017.)

4. REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillor Gomes, requesting, once more that the original “Grand Panorama of a Whaling Voyage Around The World” A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination.

4a. WRITTEN MOTION, Councillor Gomes, requesting, once more that the original “Grand Panorama of a Whaling Voyage Around The World” A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination. (Referred to the Committees on Appointments and Briefings and City Property.)

5. REPORT, Committee on Cannabis Regulation and Host Community Agreements Review, recommending to the City Council APPROVAL of the ORDINANCE, Relative to Marijuana Establishment Licenses.

5a. AN ORDINANCE,

6. WRITTEN MOTION, Councillors Coelho and Lopes, requesting, that signs be created for all pocket parks in the City instructing/warning that “NO TRESPASSING” is allowed after hours as a law enforcement tool to assist the Police. (Referred to the Department of Public Infrastructure.)

7. WRITTEN MOTION, Councillor Gomes, requesting, that the Administration along with Comcast hold at least two public meetings, one in the south end and one in the north end, before the City signs and enters into a 10 year cable contract; and further, this will give an opportunity to the residents and business community in the City to express their concerns with Comcast and the way Comcast Cable packages are offered along with service and billing; and further, requesting, that Mayor Mitchell not enter into a contract until these issues are addressed; and further; that the City invite and enter into discussions with other cable providers to the City of New Bedford to not only bring competition

but importantly to see what they would offer the City in providing cable service; and further, that letters be sent to Congressman Keating, Senator Markey and Senator Warren asking them to send representatives to the public meetings when they are held and to support Senator Markey's bill in the Senate addressing all of the above issues pertaining to cable service.

8. WRITTEN MOTION, Councillor Gomes, requesting, that the Administration explain the large increase in costs for membership at the Woodcock Rifle Range that has been implemented on members; and further, that this increase be reconsidered unless the Administration can express why the increase has been implemented and what benefits does it provide to the membership. (Referred to the Mayor and Committee on City Property.)

9. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with a representative from the Mayor's Office, the Massachusetts Undersecretary of Energy Patrick Woodcock and a representative from Vineyard Wind that has a signed contract with the State, City of New Bedford and the Marine Commerce Terminal Clean Energy Center, that they provide the Committee with a company breakdown and action plan for the terminal; and further, how many jobs have been created to date for residents of the City and what has been the economic boost to the City.

10. COMMUNICATION, Jane Medeiros Friedman, First Assistant City Solicitor, to City Council submitting appraisal summaries for the proposed King's Highway Improvement Project prepared by Bernard P. Giroux, ASA, MRA, Review Appraiser.

10a. APPRAISER SUMMARIES, for the following properties: 1076 King's Highway, 606 Tarkiln Hill Road, 550 Tarkiln Hill Road, 615 Tarkiln Hill Road, 637 Tarkiln Hill Road, 605 Tarkiln Hill Road, 507-513 Church Street, 587 Tarkiln Hill Road, 569 Tarkiln Hill Road, 554 Church Street, W.S. Church Street, 543 Tarkiln Hill Road, 525 Church Street, 522 Tarkiln Hill Road and 312 Oliver Street.

11. COMMUNICATION, Jane Medeiros Friedman, First Assistant City Solicitor, to City Council submitting Orders of Taking to acquire the permanent and temporary easements that are needed for the Kings Highway Improvements Project.

11a. ORDER OF TAKING, (Recorded Land)

11b. ORDER OF TAKING, (Registered Land)

12. COMMUNICATION, Board of Assessors, to City Council, submitting a MOTION passed 3-0, at its Open Meeting on June 19, 2019, and requesting that the City Council ADOPT, and the Mayor APPROVE the THREE ORDERS relating to the annual Consumer Price Index, as determined by the Commissioner of Revenue of a 3.3% increase for Clause 17's for the amount of the exemption to be \$323.00, to accept under Chapter 59, Section 5, Clause 17E to increase the amount of assets to \$65,864.00 to qualifying individuals, and under Chapter 59, Section 5, Clause 41, 41B and 41C, raising the base limit of income for single taxpayers to \$21,405.00 and married couples \$24,701.00 and to raise the assets limit for single taxpayers to \$46,105.00 and married couples \$49,398.00.



12a. AN ORDER, ORDERED, that the base limit of income and the total value of assets of persons qualifying under M.G.L. Chapter 59, Section 5, Clause 41, 41B, and 41C is hereby increased by 3.3% for Fiscal Year 2020. Said increase is equal to the Consumer Price Index.

12b. AN ORDER, ORDERED, that the exemption granted to persons qualifying under M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D, is hereby increased by 3.3% for Fiscal Year 2020. Said increase is equal to the Consumer Price Index.

12c. AN ORDER, ORDERED, that pursuant to M.G.L. Chapter 59, Section 5, Clause 17E, the total value of assets, as set forth in M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D, is hereby increased by 3.3% for Fiscal Year 2020. Said increase is equal to the Consumer Price Index.

13. COMMUNICATION, Council President Morad, submitting a letter to Paul Barton, Chairperson, Airport Commission and Airport Commission Members, regarding her support for the new Aviation Technology educational initiative for New Bedford students.

### ***TABLED BUSINESS***

01/10/2019 WRITTEN MOTION, Councillor Gomes, requesting that the City Council forward a letter of request to the Commonwealth of Massachusetts' Cannabis Commission as to whether the City is following State Law regarding marijuana establishments in the City; and further, enclosed in the letter, please include a copy of the 11-page "Screening Form/Application for a Marijuana Establishment Host Community Agreement", and a copy of the City's zoning map that has been put forth by the Mayor's Review Committee, comprised of the City Solicitor, the City Planner, the Chief of Police, the Chief Financial Officer, the Director of Inspectional Services, the Director of Planning, Housing and Community Development and the City's Health Director; asking that the Cannabis Control Commission review the application and the zoning map and report back to the City Council as to whether this Application process and zoning map applies to the laws of the Commonwealth of Massachusetts' Cannabis Control Commission; and further, that Steven Hoffman, Chairman of the Massachusetts Cannabis Control Commission or a representative, meet with the Special Committee on Licensing and Zoning for Cannabis to discuss whether the City has followed Massachusetts Laws and policies regarding marijuana establishments in the City of New Bedford.

***In accordance with the Americans with Disabilities Act (ADA),  
if any accommodations are needed, please contact the City Council Office at  
508-979-1455. Requests should be made as soon as possible but at least 48***

***hours prior to the scheduled meeting.***



Item Title:  
CITY COUNCIL PRESIDENT LINDA M. MORAD

Item Detail:

Additional Information:



Item Title:

REVEREND PAMELA J. COLE, PRESIDENT, GREATER NEW BEDFORD CHAPTER OF  
CHURCH WOMEN UNITED

Item Detail:

Additional Information:



Item Title:

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Item Detail:

Additional Information:



Item Title:

Communication-Order-Transfer from Public Infrastructure Capital Outlay to Public Infrastructure Other Financing

Item Detail:

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$300,000.00 from PUBLIC INFRASTRUCTURE CAPITAL OUTLAY to PUBLIC INFRASTRUCTURE OTHER FINANCING USES.

M1a. AN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
▢ Communication-Order-Transfer from Public Infrastructure Capital Outlay to Public Infrastructure Other Financing	Cover Memo



**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

June 20, 2019

City Council President Linda M. Morad and  
Honorable Members of the City Council  
133 William Street  
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

I am submitting for your approval an ORDER that the sum of **THREE HUNDRED THOUSAND DOLLARS (\$300,000)** now standing to the credit of the account from **PUBLIC INFRASTRUCTURE CAPITAL OUTLAY** be and the same is hereby transferred and appropriated to as follows:

**PUBLIC INFRASTRUCTURE**  
**OTHER FINANCING USES.....\$300,00**

To be certified and approved by the Department Head

Sincerely,

Jon Mitchell  
Mayor



# CITY OF NEW BEDFORD

## CITY COUNCIL

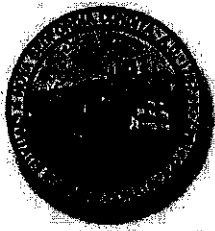
June 27, 2019

ORDERED: That the sum of **THREE HUNDRED THOUSAND DOLLARS (\$300,000)** now standing to the credit of the account from **PUBLIC INFRASTRUCTURE CAPITAL OUTLAY** be and the same is hereby transferred and appropriated to as follows:

**PUBLIC INFRASTRUCTURE**  
**OTHER FINANCING USES.....\$300,00**

To be certified and approved by the Department Head





## Department of Public Infrastructure

Jamie Ponte  
Commissioner

Water  
Wastewater  
Highways  
Engineering  
Cemeteries  
Park Maintenance  
Forestry  
Energy

### CITY OF NEW BEDFORD

Jonathan F. Mitchell, Mayor

To: Ari Sky, CFO

From: Jamie Ponte, Commissioner

Date: June 13, 2019

RE: Transfer of Funds – DPI Budget

There is currently a surplus in the Public Infrastructure budget in Capital Outlay in the amount of \$300,000 that was originally appropriated from Free Cash for the purpose of Sassaquin Pond remediation. At this time, the DPI engineering team is drafting construction and design plans and this project will have to go to bid. The funds will not be expended by June 30. We would like to request \$300,000 be transferred from Capital Outlay to Other Financing Uses, from which we will transfer this amount to a capital fund to continue work.

Please do not hesitate to contact me with questions. I appreciate your assistance in this matter.

Sincerely,

Jamie Ponte  
Commissioner



Item Title:

Communication-Order-Rifle Range Revolving Fund FY2020

Item Detail:

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, that in accordance with Massachusetts General Law Chapter 44, Section 53E½ the revolving fund under the control of the Parks and Recreation Department, known as the **RIFLE RANGE REVOLVING FUND**, whose revenues collected and amount limited to be spent estimated at \$50,000.00, is hereby authorized for **FISCAL YEAR 2020**.

M2a. AN ORDER,

Additional Information:

ATTACHMENTS:

Description	Type
 Communication-Order-Rifle Range Revolving Fund FY2020	Cover Memo



**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

June 20, 2019

City Council President Linda M. Morad and  
Honorable Members of the City Council  
133 William Street  
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

I am submitting for your approval an ORDER that in accordance with MGL Chapter 44, Section 53E ½, the revolving fund under the control of the Police Department, known as **RIFLE RANGE REVOLVING FUND**, whose revenues collected and amount limited to be spent estimated at ~~\$50,000~~, is hereby authorized for **FISCAL YEAR 2020**.

Sincerely,

Jon Mitchell  
Mayor



# CITY OF NEW BEDFORD

## CITY COUNCIL

June 27, 2019

ORDERED: that in accordance with MGL Chapter 44, Section 53E ½, the revolving fund under the control of the Police Department, known as **RIFLE RANGE REVOLVING FUND**, whose revenues collected and amount limited to be spent estimated at **\$50,000**, is hereby authorized for **FISCAL YEAR 2020**.



# *New Bedford Police Department*

## *Payroll and Administrative Services*


871 Rockdale Avenue, New Bedford, MA 02740  
Phone: 508-991-6300 ext. 79411 or 79412 Fax: 508-991-6303

**JONATHAN F. MITCHELL**  
Mayor

**JOSEPH C. CORDEIRO**  
Chief of Police

**PAUL J. OLIVEIRA**  
Deputy Chief

## MEMORANDUM

TO: Ari Sky, Chief Financial Officer  
CC: Robert Ekstrom, City Auditor  
FROM: Joseph C. Cordeiro, Chief of Police   
DATE: June 18, 2019  
RE: FY20 – RIFLE RANGE REVOLVING FUND (FUND# 1216)

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The purpose of the Rifle Range revolving Fund is for costs associated with the maintenance, improvements and operation of the rifle range as well as associated buildings and structures. The current revenue that is collected in the general fund will now be deposited in the new revolving fund for FY20.

**Estimated FY20 Revenues:** \$50,000.00

**Revenue Source(s):** Range fees & Annual membership fees

**Estimated FY20 expenses:** \$ 50,000

**Authorized department:** Police Department

Should you have any questions please feel free to call the office.

JCC/clm



Item Title:

Communication-Residency Waiver-Hannah Niemi-Parks & Rec

Item Detail:

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a WAIVER OF RESIDENCY for HANNAH NIEMI, LIFEGUARD, in the Department of Parks, Recreation and Beaches, who resides in Fairhaven, MA.

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Communication-Residency Waiver-Hannah Niemi-Parks & Rec	Cover Memo



**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

June 19, 2019

City Council President Linda M. Morad  
Honorable Members of the City Council  
133 William Street  
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

I would like to request a **Waiver of Residency** for **HANNAH NIEMI, LIFE GUARD** in the Department of Parks, Recreation & Beaches who resides in Fairhaven, Massachusetts.

I have attached correspondence to support the reason for this request. Mary S. Rapoza and Ms. Hannah Niemi will be available at the meeting to answer any questions.

Sincerely,

Jonathan F. Mitchell  
Mayor

JFM/sds  
Attachment

cc: Hannah Niemi  
Parks, Recreation & Beaches  
Personnel



## CITY OF NEW BEDFORD

PARKS, RECREATION & BEACHES  
*JONATHAN F. MITCHELL*



June 9, 2019

Mayor Jonathan F. Mitchell  
City of New Bedford  
133 William Street  
New Bedford, MA 02740

RECEIVED  
JUN 12 2019

RECEIVED  
JUN 12 2019

Dear Mayor Mitchell:

I respectfully request a residency waiver for Hannah Niemi of Fairhaven for the position of life guard.

Hannah is qualified for the position and has received her waterfront life guard certification and passed the surf test. This position requires a life guard waterfront certificate and has a lot of responsibilities. We have not received a sufficient number of applications from other qualified applicants for the position.

I know that she will be an asset to the City of New Bedford given her qualifications.

I will be available at the meeting to answer any questions presented by the City Council.

Thank you for your assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Mary S. Rapoza".

Mary S Rapoza, Department Head

cc: Personnel

ADMINISTRATIVE OFFICES  
181 HILLMAN STREET, BLDG. #3  
NEW BEDFORD, MA 02740  
PHONE 508-961-3015

MAILING ADDRESS  
181 HILLMAN STREET  
BOX #9, NEW BEDFORD, MA 02740  
FAX 508-991-6175





Item Title:

Appointment of Michael J. Motta - Board of Assessors

Item Detail:

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of MICHAEL J. MOTTA, as ADMINISTRATIVE ASSISTANT to the BOARD OF ASSESSORS, for a five (5) year term to expire June 27, 2024, a ONE YEAR WAIVER OF RESIDENCY and approval for Mr. Motta's salary at Step 4 Grade M-15. (\$91,436.00) is also requested.

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Communication-Appointment of Michael Motta-Admin. Asst. Board of Assessors	Cover Memo



**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

June 20, 2019

City Council President Linda M. Morad and  
Honorable Members of the City Council  
133 William Street  
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the City Council:

Pursuant to Section 10-93 of the New Bedford Code of Ordinances, I hereby submit for your approval the appointment of Michael J. Motta as Administrative Assistant to the Board of Assessors for a five year term to expire June 27, 2024, a one year waiver of the residency requirement and approval for Step 4 of Grade M-15.

Mr. Motta is exceptionally well-suited to the position and distinguished himself during the recruitment process as a very experienced, fully-certified candidate who would provide a seamless transition in leadership in the Assessors Office during a critical revaluation year. He has also pledged a firm commitment to relocating to New Bedford within the next twelve months, as required by State Law. On this basis, I concur with the unanimous recommendation of the Board of Assessors regarding his Step and Grade, waiver, and term of his appointment.

For further detail, please see the enclosed memo from CFO Ari Sky. Mr. Motta's cover letter and resume are attached for your review.

Sincerely,

Jon Mitchell  
Mayor



OFFICE OF THE CFO

ARI J. SKY  
CHIEF FINANCIAL OFFICER

CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

June 20, 2019

**TO:** Mayor Mitchell  
**FROM:** Ari J. Sky  
**SUBJECT:** Michael Motta Appointment

The purpose of this memorandum is to recommend the appointment of Michael Motta as Administrative Assistant to the Board of Assessors.

Upon notification from Carlos Amado regarding his upcoming retirement, the City advertised for a potential replacement on local and regional publications and job boards. We received five applications in response. While two were New Bedford residents, neither met the minimum qualifications for the position. Applications were vetted by an interview panel that included Kimberly Saunders, Sandra Vezina and me.

Our interviews identified one candidate whose qualifications and experience were significantly greater than the other candidates. Michael Motta is currently serving as the Principal Assessor for the Town of West Springfield and is also an elected assessor for the Town of Freetown. He is fully certified as a Massachusetts Accredited Assessor and holds a bachelor's degree in Electrical Engineering from UMASS Dartmouth. Mr. Motta's application was the unanimous recommendation of the interview committee.

Mr. Motta is currently a resident of Assonet but will relocate to New Bedford as required by statute. His skillset provides a valuable opportunity to recruit a seasoned assessor to assume a crucial role on the City's finance team. I would therefore request that Mr. Motta be granted a one-year residency waiver to allow him to relocate his residence and appointment at Step 4 for the Unit C salary schedule for this position, which would put his starting salary at \$91,436.

Thank you for your consideration in this matter and please let me know if you have any questions or would like to further discuss.

*Attachment*

Cc: S. Vezina

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Michael J. Motta ■

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Sandra Vezina, Director of Personnel  
City of New Bedford  
133 William Street, Room 212  
New Bedford, MA 02740  
May 6, 2019

Dear Ms. Vezina,

Thank you for the opportunity to submit my Resume and this letter in response to your posting for the position of Administrative Assistant to Assessors (Director of Assessing) for the City of New Bedford.

I have significant experience in the real estate field, serving as Assessor in the Town of West Springfield for the past year, as Assessor in the Town of Freetown for the past eight years, as a Field Agent for the past five years, and as a licensed Real Estate Broker for over twenty years.

My qualifications include experience in the installation and maintenance of various CAMA systems including Vision, for a number of cities and towns in Massachusetts.

I have completed the Department of Revenue Assessor Course 101, and Course 200, and I have been awarded designation as Massachusetts Accredited Assessor. I currently hold certification in MA Conflict of Interest Training, valid through March 2021.

I am well-versed in the administrative, professional, technical and supervisory work related to the valuation of residential, industrial and commercial real estate and personal property. In my current position in West Springfield, I instituted a complete revaluation of personal property, which resulted in a \$15 million dollar increase in personal property assessment.

I am an effective communicator with a direct, clear and confident approach, and am poised and professional with citizens, colleagues, management, and support staff.

I excel at both written and verbal communications, and express myself clearly in proposals, reports, training, and outreach, utilizing video, audio, Internet, public speaking, seminars, and presentations as primary tools.

I consistently exhibit a dedicated, professional attitude, am energetic and thrive on challenges.

I look forward to a meeting where I can discuss in more detail how my background and experience make me a perfect candidate for success in the position of Administrative Assistant to Assessors (Director of Assessing) for the City of New Bedford.

Sincerely,



Michael J. Motta

# MICHAEL MOTTA

## Administrative Assistant to Assessors (Director of Assessing)

Eager to Support the Initiatives of the Assessing Department for the City of New Bedford

### PROFESSIONAL PROFILE

- Experienced in the valuation, inspection, and documentation of real property, with both in-house and field experience.
- Proven track record of applying appropriate, practical mix of technologies that meet business needs while maintaining accurate and efficient data processes.
- Motivated achiever with demonstrable ability to analyze, understand, and convey the details of Mass DOR and other laws relating to the fair and accurate assessment of property.
- Outstanding project manager who coordinates communications, information, and highly skilled professionals to meet department needs and evaluate progress while assuring smooth, efficient projects and activities.
- Strong interpersonal, written, and verbal communicator who can deliver effective presentations, consult on projects, and develop and maintain collaborative relationships.
- Ability to assimilate and communicate complex procedural, legal, and technical information in an easily understood manner.
- Exceptional problem-solver with keen ability to resolve issues, provide for enhancements, analyze/define business processes for improvement, define, design, develop, and implement highly successful solutions.

### AREAS OF EXPERTISE

- |  |   |   |
|--|---|---|
| • Cross-Function Teaming   | • Energetic achiever  | • Creative thinker who initiates, structures, and negotiates profitable relationships             |
| • Organization and Operations                                      | • Continuously succeeds in establishing and exceeding department goals  | • Disseminates information accurately   |
| • Strategic Alliances and Partnering                               | • Manages multiple high-level priorities                                | • Acts as Subject Matter Expert for development and implementation of new and improved operations |
| • Fanatical Customer Service                                       | • Data-driven with expertise in detailed business protocols             | • Serves as Conduit of Information for internal and external communications                       |
| • Public speaking, panel speaker, experienced media representative | • Proficient problem-solver   |   |
| • Both team-oriented and independent work environments             | • Consensus-builder who forges critical internal and external alliances |   |
| • Budgeting & Forecasting  |   |   |
| • Multicultural Communications                                     |   |   |

### PROFESSIONAL EXPERIENCE

#### Municipal Tax Assessor, Town of Freetown, MA, Assonet, MA, 2010 to Present

- Ensure that state law is strictly adhered to regarding procedures, processes, and administration of the Freetown Department of Assessors.
- Continually review revised MA Department of Revenue regulations and policies, and review evolving case law related to taxation issues.
- Responsible for data processing RFP, evaluation and approval of bids, and ongoing administration of state-certified CAMA system.
- Monitor data systems relating to property database, to ensure data integrity and compliance with State law.
- Review and update specifications for GIS system, and ensure outside contractors are in compliance with contract specifications.
- Review and revise internal procedures as necessary, to conform with evolving Department of Revenue policies.
- Represent the Town of Freetown in appeal cases heard by the Massachusetts Appellate Tax Board
- Maintain certification as Municipal Assessor, through continuing education and training.

**Municipal Tax Assessor, Town of West Springfield, MA, West Springfield, MA, 2017 to Present**

- ◆ Manage office staff, represented by two different unions.
- ◆ Institute Personal Property revaluation, resulting in over \$15 million-dollar growth in assessment.
- ◆ Utilize Vision CAMA system and GIS system for maintenance of property records.
- ◆ Continually review revised MA Department of Revenue regulations and policies, and review evolving case law related to taxation issues.
- ◆ Responsible for data processing RFP, evaluation and approval of bids, as well as ongoing administration of state-certified Vision CAMA system.
- ◆ Monitor data systems relating to property database, to ensure data integrity and compliance with State law.
- ◆ Review and update specifications for GIS system, and ensure outside contractors are in compliance with contract specifications.
- ◆ Review and revise internal procedures as necessary, to conform with evolving Department of Revenue policies.
- ◆ Represent the Town in appeal cases heard by the Massachusetts Appellate Tax Board
- ◆ Maintain certification as Municipal Assessor, through continuing education and training.

**Field Agent, Sandcastle Field Services, 2012 to 2017**

- ◆ Inspect, measure, photograph, and document condition of residential and commercial properties.
- ◆ Collect detailed data on each property, and accurately enter it into property valuation system.
- ◆ Maintain compliance with applicable federal and state regulations, and maintain detailed reports sufficient to withstand audit and review.
- ◆ Interact with property owners to establish rapport and cooperation in obtaining access to property, and collection of required data.
- ◆ Professionally and compassionately discuss status of delinquent mortgage accounts, and re-establish lines of communication between borrower and mortgage holder.
- ◆ Conduct face-to-face meeting with owners of delinquent and distressed properties, explore effective and reasonable mutually beneficial solutions, offer incentives to owners and residents for a timely agreement, negotiate contract to resolve issues, monitor compliance with agreement.

**Technical Assistant Specialist, Fall River Office of Economic Development, Fall River, MA, 2016 to 2017**

- ◆ Provide strategic planning, business development, marketing, communications, and general-management services to federally-funded SBA MicroLoan grant program.
- ◆ Maintain budget, coordinate organizational and grant-mandated goals to insure performance and compliance.
- ◆ Understand federal laws relating to MicroLoan program, continually review additions and changes to the law, and ensure Program and client compliance.
- ◆ Document and record activities, to ensure complete and successful yearly federal audit.
- ◆ Function as clients' primary technical Subject Matter Expert.
- ◆ One-year, grant-funded position.

**Business Liaison, City of Fall River, Fall River, MA, 2014 to 2015**

- ◆ Utilize cross-functional team approach and cross-cultural communications programs to improve the relationship between local businesses and the City of Fall River.
- ◆ Apply diplomacy and firm change-management skills while taking stock of political overtones.
- ◆ Meet with business leaders, federal, state, and local delegation, and present challenges and solutions for improving the business climate of the City.
- ◆ Utilize traditional, Internet, and social marketing to increase public awareness of local businesses.
- ◆ Serve as liaison between business owners and City departments, to break through barriers to business expansion.
- ◆ One-year contract position.

**EDUCATION and TRAINING**

- ◆ Bachelor of Science Program Electrical Engineering Technology – University of MA, Dartmouth, MA
- ◆ Department of Revenue Municipal Assessor Course 101 & 200 – Commonwealth of Massachusetts
- ◆ Massachusetts Accredited Assessor Certification – Massachusetts Association of Assessing Officers
- ◆ Practice Workflow and Information Management Redesign Specialist – Bristol Community College
- ◆ Construction Supervisor License Program – Commonwealth of Massachusetts
- ◆ Real Estate Broker License (1986 to 2013) – Commonwealth of Massachusetts
- ◆ Massachusetts Class D (Passenger) Driver's License



Item Title:

Communication-Constable Re-Appointment-Michael McLuskey

Item Detail:

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting the RE-APPOINTMENT of MICHAEL J. MCLUSKEY, Acushnet, MA, 02743, as a CONSTABLE.

M5a. AN APPLICATION,

Additional Information:

ATTACHMENTS:

Description	Type
 Communication-Constable Re-Appointment-Michael McLuskey	Cover Memo



**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

June 19, 2019

City Council President Linda M. Morad and  
Honorable Members of the City Council  
133 William Street  
New Bedford, MA 02740

Dear Council President Morad and Honorable Members of the Council:

I am submitting for your approval the application for the **RE-APPOINTMENT** as a  
**CONSTABLE** for

**MICHAEL J. MCLUSKEY**  
**52 ROGERSON AVENUE**  
**ACUSHNET, MA 02743**

This appointment is subject to confirmation by the City Council.

Sincerely,



Jonathan F. Mitchell  
Mayor

JFM/sds  
Attachment

cc: Michael J. McLuskey



CITY OF NEW BEDFORD  
MASSACHUSETTS

APPLICATION FOR REAPPOINTMENT AS CONSTABLE

New Bedford, Massachusetts 10-29-18  
date

To the Mayor:

I hereby make application for reappointment as a Constable of the City of New Bedford, Massachusetts, under General Laws Chapter 41, Section 91, 91b, 92 and 93 for the following reasons:

I wish to continue my tenure as a constable.

FEE IS \$150.00 AND APPLICATION MUST BE RENEWED EVERY THREE YEARS.

Full name of Applicant Michael J. McHuskey

Residence 52 Rogerson Ave, Acushnet, MA 02743 774-992-8941  
street address zip telephone #

Business Address 52 Rogerson Ave, Acushnet MA 02743  
street address city state zip

Place of birth Brockton, MA Date of birth 07-20-1981

If naturalized, date and court \_\_\_\_\_

How long a resident of New Bedford 11 years

Present occupation Constable

Ever convicted of a crime? no  
(if so, state case briefly)

(above statements are made under the penalties of perjury)

Signature of Applicant Michael J. McHuskey

Are you still working as a Constable? yes

Is your address the same? yes

PRESENT LICENSE EXPIRES: 11-12-18

REQUIREMENT:  
TWO 2x2 PASSPORT PICTURES  
NEEDED AT TIME OF OATH

Certificate of Identification

Commonwealth of Massachusetts, U. S. A.

TOWN OF ACUSHNET

To Whom It May Concern:

October 30, 2018

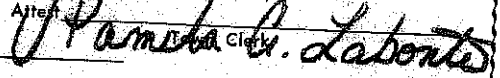
This is to certify that,

Michael John McLoskey

is a registered voter and a resident of

Acushnet, MA

  
Signature of Bearer

Attest:   
Pamela C. Labonte, Clerk



Item Title:

REPORT - APPOINTMENT LEE BENTLEY BOARD OF PARK COMMISSIONERS

Item Detail:

1. REPORT, Committee on Appointments & Briefings, recommending to the City Council APPROVAL of the APPOINTMENT of LEE BENTLEY, Park Keeper, as the Department of Public Infrastructure's designee to the BOARD OF PARK COMMISSIONERS; replacing Charles Cotter who has resigned; this term will expire May 2020.

1a. COMMUNICATION, Mayor Mitchell to City Council, submitting the APPOINTMENT of LEE BENTLEY, Park Keeper, as the Department of Public Infrastructure's designee to the BOARD OF PARK COMMISSIONERS; replacing Charles Cotter who has resigned; this term will expire May 2020. (Referred to the Committee on Appointments and Briefings - May 23, 2019.)

Additional Information:

ATTACHMENTS:

Description	Type
APPROVAL of APPOINTMENT - LEE BENTLEY to Board of Park Commissioners	Cover Memo



*City of New Bedford*  
IN COMMITTEE

June 27, 2019

The Honorable City Council  
133 William Street  
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Wednesday, June 12, 2019, considered a COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of LEE BENTLEY, Park Keeper, as the Department of Public Infrastructure's designee to the BOARD OF PARK COMMISSIONERS; replacing Charles Cotter who has resigned; this term will expire May 2020. (Ref'd 5/23/19)

On motion by Councillor Lopes and seconded by Councillor Lima, the Committee VOTED: To recommend to the City Council APPROVAL of the APPOINTMENT of LEE BENTLEY, Park Keeper, as the Department of Public Infrastructure's designee to the BOARD OF PARK COMMISSIONERS; replacing Charles Cotter who has resigned; this term will expire May 2020. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &  
BRIEFINGS

*Debora Coelho*

Councillor Debora Coelho, Chairperson

DC: dmb



Item Title:

REPORT - NO FURTHER ACTION STORAGE OF ARTWORK LIBRARY BOARD OF TRUSTEES

Item Detail:

2. REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments & Briefings meet with the Library Director and Library Board of Trustees, for the purpose of discussing the location, storage and the value of the artwork that the City owns; and further that the Library Board of Trustees take the Committee on tour of this artwork.

2a. WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments & Briefings meet with the Library Director and Library Board of Trustees, for the purpose of discussing the location, storage and the value of the artwork that the City owns; and further that the Library Board of Trustees take the Committee on tour of this artwork. (Referred to the Committee on Appointments and Briefings – July 16, 2015.)

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> NO FURTHER ACTION - Artwork owned by City-Library Board of Trustees	Cover Memo



# *City of New Bedford*

IN COMMITTEE

June 27, 2019

The Honorable City Council  
133 William Street  
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Wednesday, June 12, 2019, considered a WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments & Briefings meet with the Library Director and Library Board of Trustees, for the purpose of discussing the location, storage and the value of the artwork that the City owns; and further that the Library Board of Trustees take the Committee on tour of this artwork. (Ref'd 7/16/15) (6/13/16-tabled) (7/31/18-Remain in Committee)

On motion by Councillor Gomes and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council to take "No Further Action" on a WRITTEN MOTION, Council President Gomes, requesting, that the Committee on Appointments & Briefings meet with the Library Director and Library Board of Trustees, for the purpose of discussing the location, storage and the value of the artwork that the City owns; and further that the Library Board of Trustees take the Committee on tour of this artwork. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &  
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



# CITY OF NEW BEDFORD

## CITY COUNCIL

July 16, 2015

### WRITTEN MOTION

Requesting, that the Committee on Appointments and Briefings meet with the Library Director and Library Board of Trustees, for the purpose of discussing the location, storage and the value of the artwork that the City owns; and further that the Library Board of Trustees take the Committee on a tour of this artwork.

Brian K. Gomes, City Council President 2015



Item Title:

REPORT - NO FURTHER ACTION GRAND PANORAMA

Item Detail:

3. REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the “Grand Panorama of a Whaling Voyage Around the World” stays in New Bedford, this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City’s history.

3a. WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the “Grand Panorama of a Whaling Voyage Around the World” stays in New Bedford, this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City’s history. (Referred to the Committee on Appointments and Briefings - December 14, 2017.)

Additional Information:

#### ATTACHMENTS:

Description	Type
<input type="checkbox"/> NO FURTHER ACTION - Grand Panorama of a Whaling Village should remain in NB	Cover Memo





# *City of New Bedford*

IN COMMITTEE

June 27, 2019

The Honorable City Council  
133 William Street  
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Wednesday, June 12, 2019, considered a WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the "Grand Panorama of a Whaling Voyage Around the World" stays in New Bedford, this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City's history. (Ref'd 12/14/17) (7/31/18-Remain in Committee)

On motion by Councillor Gomes and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council to take "No Further Action" on a WRITTEN MOTION, Councillor Gomes, requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the "Grand Panorama of a Whaling Voyage Around the World" stays in New Bedford, this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City's history. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &  
BRIEFINGS

Councillor Debora Coelho, Chairperson

DC: dmb



# CITY OF NEW BEDFORD

## CITY COUNCIL

December 14, 2017

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### WRITTEN MOTION

Requesting, that the Mayor and the Director of the Whaling Museum take immediate action to make sure that the "Grand Panorama of a Whaling Voyage Around the World" stays in New Bedford, this painting is the largest in the world, has been restored and the City should make every effort along with the Whaling Museum to ensure that it remains in the City that set the history of Whaling in this country; and further, that the City find a suitable location for this treasure; and further, that the City will be glad to share this with the world, but it belongs to the City of New Bedford and this should be its home, this painting is part of our City's history.

Brian K. Gomes, Councillor at Large



Item Title:

REPORT - NO FURTHER ACTION GRAND PANORAMA MEET WITH OFFICIALS

Item Detail:

4. REPORT, Committee on Appointments & Briefings, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillor Gomes, requesting, once more that the original “Grand Panorama of a Whaling Voyage Around The World” A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination.

4a. WRITTEN MOTION, Councillor Gomes, requesting, once more that the original “Grand Panorama of a Whaling Voyage Around The World” A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination. (Referred to the Committees on Appointments and Briefings and City Property.)

Additional Information:

#### ATTACHMENTS:

Description	Type
 NO FURTHER ACTION - Grand Panorama of a Whaling Voyage - meet with Officials	Cover Memo



# City of New Bedford

IN COMMITTEE

June 27, 2019

The Honorable City Council  
133 William Street  
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Appointments & Briefings at a Meeting held on Wednesday, June 12, 2019, considered a WRITTEN MOTION, Councillor Gomes, requesting, once more that the original "Grand Panorama of a Whaling Voyage Around The World" A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination. (Ref'd 10/25/18)

On motion by Councillor Gomes and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council to take "No Further Action" on a WRITTEN MOTION, Councillor Gomes, requesting, once more that the original "Grand Panorama of a Whaling Voyage Around The World" A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination. This motion passed on a voice vote.

IN COMMITTEE ON APPOINTMENTS &  
BRIEFINGS

*Debora Coelho*  
Councillor Debora Coelho, Chairperson

DC: dmb



# CITY OF NEW BEDFORD

## CITY COUNCIL

October 25, 2018

### WRITTEN MOTION

Requesting, once more that the original "Grand Panorama of a Whaling Voyage Around The World" A Spectacle In Motion, be given a permanent home in New Bedford, Massachusetts; and further, that the Committee on Appointments and Briefings and/or the Committee on City Property meet with Whaling Museum officials to make sure that this work of art and history remain in the City of New Bedford; and further, if this panorama of art and history is to be loaned out or permitted to go on the road, that a cost be associated with such action and more importantly, that Whaling Museum staff travel with it and all appropriate equipment needed for the presenting and the protection of this work of art accompany it, and further, that a discussion be held as to the possibility of a permanent location in the City due to the thousands of tourists that visited New Bedford to see this amazing work of art and history this past summer and to ensure that this work of art permanently be part of our showcasing and tourism destination.

Brian K. Gomes, Councillor at Large



Item Title:

REPORT AND ORDINANCE - RELATIVE TO MARIJUANA ESTABLISHMENT LICENSES

Item Detail:

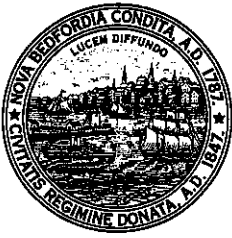
5. REPORT, Committee on Cannabis Regulation and Host Community Agreements Review, recommending to the City Council APPROVAL of the ORDINANCE, Relative to Marijuana Establishment Licenses.

5a. AN ORDINANCE,

Additional Information:

ATTACHMENTS:

Description	Type
□ REPORT and ORDINANCE of MARIJUANA ESTABLISHMENT LICENSES	Cover Memo



*City of New Bedford*  
IN COMMITTEE

June 27, 2019

The Honorable City Council  
133 William Street  
New Bedford, MA 02740

Dear Honorable Members of the City Council:

The Committee on Cannabis Regulation and Host Community Agreements Review considered a COMMUNICATION, Councillor Abreu, Chairman of the Committee on Cannabis Regulations and Host Community Agreements Review submitting a copy of memo regarding the first upcoming meeting on March 13, 2019. (Ref'd 2/14/19) (3/13/19-tabled 30 days) (5/14/19-tabled)

On motion by Councillor Rebeiro and seconded by Councillor Giesta, the Committee VOTED: To recommend to the City Council APPROVAL of the ORDINANCE, Relative to Marijuana Establishment Licenses. This motion passed on a voice vote.

IN COMMITTEE ON CANNABIS  
REGULATION AND HOST COMMUNITY  
AGREEMENTS REVIEW

Councillor Ian Abreu, Chairman

IA: dmb



# CITY OF NEW BEDFORD

In the Year Two Thousand and Nineteen

## AN ORDINANCE

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### *RELATIVE TO THE MARIJUANA ESTABLISHMENT LICENSES*

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31- 509

Be it ordained by the City Council of the City of New Bedford as follows:—

#### **SECTION 1.**

Chapter 15 of the Code of Ordinances is hereby amended by inserting after Article VII, the following new Article:-

#### **ARTICLE VIII. MARIJUANA ESTABLISHMENTS.**

##### **Sec. 15-120. Definitions.**

As used in sections 15-120 through 15-131, the words below shall have the following meanings:-

*Marijuana Establishment* – as defined in section 4120B of Chapter 9.

*Licensing authority* – any Marijuana Establishment that obtains a license pursuant to sections in this Article.

*Violation* – any finding that the licensee is not compliant with any state or local law, regulation, condition or requirement.

##### **Sec. 15-121. License Requirement.**

A Marijuana Establishment as defined in section 4120B of Chapter 9 shall not operate within the City of New Bedford without first obtaining a license from the licensing authority. A separate license shall be required for each specific Marijuana Establishment and each different location.

Acquiring a license from the licensing authority pursuant to this article does not negate any requirement to obtain any other type of license or permit for the operation of a Marijuana Establishment pursuant to any other local or state law or regulation.

##### **Sec. 15-122. Application.**

- A. The licensing authority shall establish application procedures and policies not in conflict with any provisions of Article VIII of Chapter 15.



B. Upon receipt of a properly completed application, the Licensing authority shall submit copies to the following:-

1. City of New Bedford Police Department.
2. Any other department, person or agency which the Licensing authority determines should investigate and comment on the application.

C. Departments or agencies asked to investigate and comment on the application shall submit comment to the Licensing authority within 30 days of receiving the request.

#### **Sec. 15-123. Fees.**

The Licensing authority shall establish the application and license fees not in conflict with any provision of section 15-120 through 15-131 for obtaining or renewing a license pursuant to this section.

Any fee for a new license shall be prorated for the number of months the license will be in effect from the license effective date to ensuing June 30<sup>th</sup>.

#### **Sec. 15-124. Term of License.**

Every license issued under this article shall expire on June 30<sup>th</sup> of each year.

#### **Sec. 15-125. Approval Criteria.**

- A. The licensing authority shall approve, deny or conditionally approve the application within 90 days after the licensing authority determines the application complete.
- B. The licensing authority shall approve and issue the license if it determines the following:-
  1. The application is complete, signed by the applicant and the applicant has provided any additional information concerning the application requested by the licensing authority.
  2. The applicant has paid any applicable fees required by the licensing authority.
  3. There are no material misrepresentations contained in the application.
  4. The applicant has complied with all applicable state and local laws, ordinances, conditions, regulations, agreements or other requirements.
  5. The applicant has obtained all other necessary permits and met all necessary conditions for the operation of a Marijuana Establishment as required by applicable state and local laws, ordinances, conditions, regulations, agreements or other requirements.

- C. If the application is denied, the licensing authority shall clearly set forth, in writing, the grounds for denial.
- D. If the application is approved with conditions, the licensing authority shall clearly set forth, in writing, all the conditions imposed.

**Sec. 15-126. Conditions.**

The licensing authority may, at any time, impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety, and welfare, and obtain compliance with the requirements of this Article and all areas where compliance is required.

**Sec. 15-127. Duties of licensee.**

- A. During the term of a license, the licensee shall at all times be responsible to remain compliant with the following:-
  - 1. State laws and regulations pertaining to the operation of Marijuana Establishments.
  - 2. Zoning laws.
  - 3. Any conditions of the licensee's special permit obtained pursuant to the provisions of section 4140B of Chapter 9.
  - 4. Terms of host community agreement.
  - 5. Regulations set forth by the Board of Health.
  - 6. Legal requirements of any city department.
  - 7. Any other applicable state or local law, regulation or properly assessed condition or requirement.
- B. Non compliance with any of the requirements shall be considered a violation. Every enforcement agent of the city shall notify the licensing authority whenever it finds that the licensee has committed a violation.
- C. The licensee shall permit any enforcement agency of the city to inspect the licensed premises at any time during the hours of operation; and during any off hours upon reasonable notice by the city enforcement agency.

#### **15-127.1 Additional Requirements.**

- A. The license issued pursuant to this Article shall be posted on the premises so that the same may be easily observed by the public.
- B. The Licensee shall maintain sales records and kept available for inspection by the Licensing Board.
- C. Each Licensee shall appoint a manager by a properly authorized and executed written delegation who shall have full authority and control of the premises and whom shall be satisfactory to the Licensing Board, and whom shall be a citizen of the United States. Immediate notice of the appointment must be made to the Licensing Board in writing.
- D. No product shall be stored, displayed or sold in any area of the premises not specified in the license.
- E. Excessive noise, crowds shall not be permitted on or about the premises. It is the responsibility of the licensee to enforce this paragraph.
- F. The premises must, at all times, be kept safe, clean, neat and sanitary.
- G. Any licensee intending to close the licensed operation for any period of time exceeding 7 days must notify the Licensing Board in writing before closing and shall provide reason and length of time.
- H. A current list of employees shall be submitted to the Licensing Board upon request.
- I. No licensee shall make any distinction or discriminate on the basis of race, religion, national origin, disability, sexual orientation, gender or gender identity.

#### **Sec. 15-128. Renewal.**

The licensing authority shall establish renewal procedures, policies and fees not in conflict with any provisions of sections 15-120 through 15-131.

The licensing authority shall not approve the renewal of any licensee who is in arrears on any taxes, fees, or any other amounts past due to the City of New Bedford.

#### **Sec. 15-129. Suspension or revocation.**

- A. Upon finding of a violation committed by the licensee, the licensing authority shall, at any and all times, have the discretion to suspend or revoke a license for a period of time proportionate to the seriousness of the violation committed or impose reasonable conditions on the licensee to reasonably prevent future violations.
- B. The licensing authority shall conduct a hearing within 60 days of being made aware of any violation committed by the licensee. The licensing authority shall send notice to the licensee describing the allegations of a violation and the date scheduled for a hearing.
- C. After hearing, if the licensing authority finds that the licensee has committed a violation, the licensing authority shall suspend the operation of the licensee's marijuana establishment until such time that the violation is remedied or until such time that the licensee has submitted a viable written plan for remedy to the satisfaction of the licensing authority. The licensing authority may immediately lift the suspension if the violation has been remedied to the satisfaction of the licensing authority.
- D. Whenever the licensing authority chooses not to suspend a license based on the submittal of a viable written plan for remedy, the licensing authority may subsequently suspend the license if the licensee has not followed through on the terms of a written plan for remedy.
- E. If at any time, the licensing authority finds that the licensee repeats a reasonably similar type of violation within a 3 year period, the licensing authority shall additionally suspend the license for a period of not less than 5 days.

**Sec. 15-130. Notice.**

All decisions of the licensing authority to approve or deny an application or renewal; imposition of conditions; suspension or revocation of license shall be sent in writing to the licensee or applicant and a copy shall be delivered to the mayor, city council, police department, board of health, building commissioner and planning board within 5 business days of the decision being rendered.

**Sec. 15-131. Severability.**

The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof, nor shall it invalidate any license, approval, valid condition or determination which previously has been issued.

**SECTION 2.**

This ordinance shall take effect in accordance to the provisions of Chapter 43 of the General Laws.



Item Title:

WRITTEN MOTION - POCKET PARKS SIGNAGE

Item Detail:

6. WRITTEN MOTION, Councillors Coelho and Lopes, requesting, that signs be created for all pocket parks in the City instructing/warning that “NO TRESPASSING” is allowed after hours as a law enforcement tool to assist the Police. (Referred to the Department of Public Infrastructure.)

Additional Information:



Item Title:

WRITTEN MOTION - CABLE SERVICE

Item Detail:

7. WRITTEN MOTION, Councillor Gomes, requesting, that the Administration along with Comcast hold at least two public meetings, one in the south end and one in the north end, before the City signs and enters into a 10 year cable contract; and further, this will give an opportunity to the residents and business community in the City to express their concerns with Comcast and the way Comcast Cable packages are offered along with service and billing; and further, requesting, that Mayor Mitchell not enter into a contract until these issues are addressed; and further; that the City invite and enter into discussions with other cable providers to the City of New Bedford to not only bring competition but importantly to see what they would offer the City in providing cable service; and further, that letters be sent to Congressman Keating, Senator Markey and Senator Warren asking them to send representatives to the public meetings when they are held and to support Senator Markey's bill in the Senate addressing all of the above issues pertaining to cable service.

Additional Information:



Item Title:

WRITTEN MOTION - WOODCOCK RIFLE RANGE MEMBERS COSTS

Item Detail:

8. WRITTEN MOTION, Councillor Gomes, requesting, that the Administration explain the large increase in costs for membership at the Woodcock Rifle Range that has been implemented on members; and further, that this increase be reconsidered unless the Administration can express why the increase has been implemented and what benefits does it provide to the membership. (Referred to the Mayor and Committee on City Property.)

Additional Information:



Item Title:

WRITTEN MOTION - MARINE COMMERCE TERMINAL CLEAN ENERGY CENTER

Item Detail:

9. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Appointments and Briefings meet with a representative from the Mayor's Office, the Massachusetts Undersecretary of Energy Patrick Woodcock and a representative from Vineyard Wind that has a signed contract with the State, City of New Bedford and the Marine Commerce Terminal Clean Energy Center, that they provide the Committee with a company breakdown and action plan for the terminal; and further, how many jobs have been created to date for residents of the City and what has been the economic boost to the City.

Additional Information:





Item Title:

COMMUNICATION/APPRAISER SUMMARIES - KING'S HWY PROJECT

Item Detail:

10. COMMUNICATION, Jane Medeiros Friedman, First Assistant City Solicitor, to City Council submitting appraisal summaries for the proposed King's Highway Improvement Project prepared by Bernard P. Giroux, ASA, MRA, Review Appraiser.

10a. APPRAISER SUMMARIES, for the following properties: 1076 King's Highway, 606 Tarkiln Hill Road, 550 Tarkiln Hill Road, 615 Tarkiln Hill Road, 637 Tarkiln Hill Road, 605 Tarkiln Hill Road, 507-513 Church Street, 587 Tarkiln Hill Road, 569 Tarkiln Hill Road, 554 Church Street, W.S. Church Street, 543 Tarkiln Hill Road, 525 Church Street, 522 Tarkiln Hill Road and 312 Oliver Street.

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> COMMUNICATION	Cover Memo
<input type="checkbox"/> APPRAISALS	Cover Memo



**MIKAELA A. McDERMOTT**  
*City Solicitor*

**JANE MEDEIROS FRIEDMAN**  
*First Assistant City Solicitor*

*City of New Bedford*  
**OFFICE OF THE CITY SOLICITOR**

**ERIC JAIKES**  
**KREG R. ESPINOLA**  
*Assistant City Solicitors*

**SHANNON C. SHREVE**  
**ERIC C. COHEN**  
**JOHN E. FLOR**  
**THOMAS J. MATHIEU**  
**ELIZABETH TREADUP PIO**  
*Associate City Solicitors*

June 19, 2019

City Council President Linda Morad  
Honorable Members of the City Council  
Municipal Building  
133 William Street  
New Bedford, MA 02740

RE: Kings Highway Improvements Project

Dear Council President Morad and Members of the City Council:

In accordance with your order of June 13, 2019, enclosed for filing with your honorable body, please find the appraisals summaries for the proposed Kings Highway Improvements Project, prepared by Bernard P. Giroux, ASA, MRA, Review Appraiser and obtained in accordance with the provisions of M.G.L. chapter 79, section 7A.

Very truly yours,

Jane Medeiros Friedman  
First Assistant City Solicitor

CITY/TOWN: New Bedford  
OWNER: Michael Panagakos  
PROJECT NO: 606709

PARCEL NO.: TE-2 & E-2

PROJECT: King's Highway and Tarkiln Hill Road

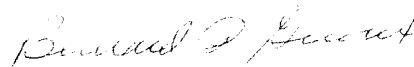
City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

*Scope of Review:* The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-2 and E-2, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a three-year temporary construction easement and permanent easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 1076 King's Highway New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Business, PB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. TE-2: \$15,775.00
2. E-2: \$56,420.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford                      PARCEL NO.: TE-6 and E-4  
OWNER: Depot Trust Karyn Falcon "Trustee" C/O Michael Panagakos  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

Scope of Review: The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-12, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a three-year temporary construction easement and permanent easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 606 Tarkiln Hill Road New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Industrial Business, IB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. TE-6: \$15,450.00
2. E-4: \$14,000.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford

PARCEL NO.: TE-14, E-5 and U-11

OWNER: ARC, LLC

PROJECT NO: 606709

PROJECT: King's Highway and Tarkiln Hill Road

City of New Bedford

### REVIEWING APPRAISER'S COMMENTS AND ESTIMATE

*Scope of Review:* The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-14, E-5 and U-11, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a three-year temporary construction easement, permanent easement and permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 550 Tarkiln Hill Road New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Mixed Used Business, MUB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

### FINAL ESTIMATE OF DAMAGES:

1. TE-14: \$12,215.00
2. E-5: \$15,000.00
3. U-11: \$1,090.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford  
OWNER: Tarkiln Hill Realty Corp.  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

PARCEL NO.: TE-4

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

*Scope of Review:* The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-4, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a three-year temporary construction easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 615 Tarkiln Hill Road, New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Industrial Business, IB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **The above is to be considered as a guideline and starting point.**
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. TE-4: \$8,900.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford  
OWNER: Tarkiln Realty Corporation  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

PARCEL NO.: TE-3 and U-1

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

Scope of Review: The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-3 and U-1, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a three-year temporary construction easement and permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 637 Tarkiln Hill Road New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Industrial Business, IB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. TE-3: \$19,750.00
2. U-1: \$940.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford      PARCEL NO.: TE-15, TE-5, U-2 and U-4  
OWNER: Jan Co. East  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

Scope of Review: The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-15, TE-5, U-4 and U-2, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of three-year temporary construction easements and permanent utility easements. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 605 Tarkiln Hill Road New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Mixed Used Business, MUB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. TE-15: \$2,550.00
2. TE-5: \$8,650.00
3. U-4: \$4,270.00
4. U-2: \$25,475.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019



CITY/TOWN: New Bedford  
OWNER: Church Street Station LLC  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

PARCEL NO.: TE-8, TE-7 and U-3

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

Scope of Review: The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-8, TE-7 and U-3, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of three-year temporary construction easements and a permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 507-513 Church Street New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Industrial Business, IB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. TE-8: \$1,735.00
2. TE-7: \$1,400.00
3. U-3: \$4,655.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford                      PARCEL NO.: TE-10 and U-5  
OWNER: Stathis S. Mouratidis & Polly Mouratidis  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

*Scope of Review:* The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-10 and U-5, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a three-year temporary construction easement and a permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 587 Tarkiln Hill Road New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Mixed Used Business, MUB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. TE-10: \$3,920.00
2. U-5: \$9,300.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford

PARCEL NO.: TE-11 & U-6

OWNER: Bri Inc.

PROJECT NO: 606709

PROJECT: King's Highway and Tarkiln Hill Road

City of New Bedford

### REVIEWING APPRAISER'S COMMENTS AND ESTIMATE

*Scope of Review:* The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-11 and U-6, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a three-year temporary construction easement and permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 569 Tarkiln Hill Road New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Mixed Used Business, MUB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

#### FINAL ESTIMATE OF DAMAGES:

1. TE-11: \$9,400.00
2. U-6: \$36,225.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford

PARCEL NO.: TE-12 & U-8

OWNER: Paul R. Pelletier 'Trs' & Cathy Pelletier 'Trs'

PROJECT NO: 606709

PROJECT: King's Highway and Tarkiln Hill Road

City of New Bedford

### REVIEWING APPRAISER'S COMMENTS AND ESTIMATE

Scope of Review: The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-12, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a three-year temporary construction easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 554 Church Street New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Mixed Used Business, MUB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

#### FINAL ESTIMATE OF DAMAGES:

1. TE-12: \$5,385.00
2. U-8: \$15,900.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019



CITY/TOWN: New Bedford  
OWNER: Patricia W. Vagos  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

PARCEL NO.: U-7

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

Scope of Review: The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of U-7, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 555 Church Street New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Residence B, RB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **The above is to be considered as a guideline and starting point.**
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. U-7: \$2,400.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford

PARCEL NO.: TE-13 & U-9

OWNER: Mark E. Lombard

PROJECT NO: 606709

PROJECT: King's Highway and Tarkiln Hill Road

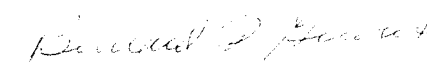
City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

*Scope of Review:* The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of TE-13 and U-9, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a three-year temporary construction easement and a permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 543 Tarkiln Hill Road New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Residence A, RA Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The temporary easement will be in effect for a 3 year period.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. TE-13: \$4,525.00
2. U-9: \$13,200.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford  
OWNER: Park Avenue Partners LLC  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

PARCEL NO.: U-10

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

Scope of Review: The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of U-10, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 525 Church Street New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Industrial Business, IB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. U-10: \$2,475.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019

CITY/TOWN: New Bedford  
OWNER: Jacinto and Honoria Quintal  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

PARCEL NO.: U-12

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

Scope of Review: The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of U-12, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 522 Tarkiln Hill Road New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Residence B, RB Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

**1. U-12: \$1,170.00**



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019



CITY/TOWN: New Bedford  
OWNER: Edward and Constance Rose  
PROJECT NO: 606709  
PROJECT: King's Highway and Tarkiln Hill Road

PARCEL NO.: U-13

City of New Bedford  
**REVIEWING APPRAISER'S COMMENTS AND ESTIMATE**

*Scope of Review:* The purpose of this appraisal review is to assist the City of New Bedford/MassDOT in its determination of just compensation for the property rights conveyed through the proposed acquisition/temporary easements of U-13, by providing an opinion of market value of the subject property as of the effective date of the appraisal. This is a full field review of a permanent utility easement. The scope of this review assignment included an onsite inspection of the subject properties and comparable sales. Also, a detailed desk review was conducted of the subject appraisal report prepared on the properties with an effective date of appraisal of May 4, 2019. The appraiser was not contacted during the review process. The deeds, plans and assessor's field cards and MassDOT plans were obtained to identify and verify the parcels. The data was analyzed, and the review appraisal was prepared. There were no extraordinary assumptions or hypothetical conditions. It is assumed that there shall be a restoration of the property as it was before the taking. The purpose of the review is to verify the legally compensable damages, if any, as a result of the proposed temporary construction easements. The function of the review is to assist the City of New Bedford and MassDOT Highway Division in the proposed taking by eminent domain.

- The subject property is located at 312 Oliver Street New Bedford, MA 02745.
- The contractor shall re-grade/reseed/pave and reset all affected site improvements within the easement area(s) to its original condition unless otherwise stated.
- The subject property is situated within the Residence A, RA Zoning District, in the City of New Bedford.
- F.A. Project 606709.
- The effective date of value for appraisal report under review is 05/15/2019.
- There were no extraordinary assumptions necessary in the review assignment.
- There were no hypothetical conditions necessary in the review assignment.
- Since MassDOT has no 21E studies on this land, the site is appraised as environmentally clean.
- **49 CFR 24.104 "Documentation standards for appraisal/appraisal review should be commensurate with the complexity of the appraisal problem. Review appraisers are expected to prepare an appropriate written explanation supporting the reviewer's estimate of fair market value. When reconciling divergent appraisal reports or establishing an independent estimate of value, the review appraiser must provide a written explanation sufficient to convey the basis for the approved amount."**

**FINAL ESTIMATE OF DAMAGES:**

1. U-13: \$3,700.00



Bernard P. Giroux, ASA, MRA, Rev. Appraiser  
MA Certified General #2990  
Date: 05/15/2019



Item Title:

ORDERS OF TAKING - KING'S HIGHWAY PROJECT

Item Detail:

11. COMMUNICATION, Jane Medeiros Friedman, First Assistant City Solicitor, to City Council submitting Orders of Taking to acquire the permanent and temporary easements that are needed for the Kings Highway Improvements Project.

11a. ORDER OF TAKING, (Recorded Land)

11b. ORDER OF TAKING, (Registered Land)

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> COMMUNICATION	Cover Memo
<input type="checkbox"/> ORDER OF TAKING - REGISTERED LAND	Cover Memo
<input type="checkbox"/> ORDER OF TAKING - RECORDED LAND	Cover Memo



**MIKAELA A. McDERMOTT**  
*City Solicitor*

**JANE MEDEIROS FRIEDMAN**  
*First Assistant City Solicitor*

*City of New Bedford*  
**OFFICE OF THE CITY SOLICITOR**

**ERIC JAIKES**  
**KREG R. ESPINOLA**  
*Assistant City Solicitors*

**SHANNON C. SHREVE**  
**ERIC C. COHEN**  
**JOHN E. FLOR**  
**THOMAS J. MATHIEU**  
**ELIZABETH TREADUP PIO**  
*Associate City Solicitors*

June 19, 2019

City Council President Linda Morad and  
Honorable Members of the City Council  
Municipal Building  
133 William Street  
New Bedford, MA 02740

RE: Kings Highway Improvements Project

Dear Council President Morad and Members of the City Council:

In accordance with your order of June 13, 2019, this office has prepared and is submitting herewith, proposed Orders of Taking to acquire the permanent and temporary easements that are needed for the Kings Highway Improvements Project.

The Kings Highway Improvements Project is a MassDOT project that is being funded using State and Federal funds.

A representative of the Department of Public Infrastructure will be available to answer questions at the June 27, 2019 City Council Meeting.

Very truly yours,

Jane Medeiros Friedman  
First Assistant City Solicitor

**CITY OF NEW BEDFORD**  
**IN CITY COUNCIL**

June 27, 2019

REGISTERED LAND

WHEREAS, the common necessity and convenience of the inhabitants of the City of New Bedford require the taking of land hereinafter described for the purpose of altering and improving Kings Highway, including but not limited to the installation and maintenance of sidewalks, traffic signals, signs and overhead appurtenances, and for all other uses incidental to said municipal purposes; and

WHEREAS, the Department of Public Infrastructure of the City of New Bedford has requested that said land be taken for said purposes; and

WHEREAS, an appraisal of said land has been made on behalf of the taking authority in accordance with Massachusetts General Laws Chapter 79, Section 7A, and has been filed with said authority; and

WHEREAS, an appropriation has been made for the general purpose for which said land is needed;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the City of New Bedford, acting by and through the City Council, and under applicable provisions of Massachusetts General Laws, Chapter 79, and under any and every other power to it granted or implied, hereby takes for itself, by eminent domain, temporary and permanent easements, located in New Bedford as hereinafter described, for the purpose of altering and improving Kings Highway, including but not limited to the installation and maintenance of sidewalks, traffic signals, signs and overhead appurtenances, and for all other uses incidental to said municipal purposes:

**Permanent Easement U-1:** An easement over a parcel of land being shown as U-1 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 3° 37' 49" E 33.00 feet from station 31+06.53 on Tarkiln Hill Road Baseline, thence



N 3° 37' 49" E a distance of 4.00 feet to a point, thence

S 86° 22' 11" E a distance of 6.00 feet to a point, thence

S 3° 37' 49" W a distance of 4.00 feet to a point in the northerly sideline of Tarkiln Hill Road, thence

N 86° 22' 11" W a distance of 6.00 feet to the point of beginning. Said easement contains an area of 24 square feet, more or less.

**Permanent Easement U-5:** An easement over a parcel of land being shown as U-5 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51' 31"W 33.00 feet from station 36+48.44 on Tarkiln Hill Road Baseline, thence

N 9° 04' 51" W a distance of 5.68 feet to a point, thence

N 57° 08' 29" E a distance of 54.24 feet to a point, thence

S 8° 53' 32" E a distance of 5.69 feet to a point, thence

S 57° 08' 29" W a distance of 54.22 feet by the sideline of Tarkiln Hill Road to the point of beginning. Said easement contains an area of 282 square feet, more or less.

**Permanent Easement U-7:** An easement over a parcel of land being shown as U-7 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of Church Street, bearing N 32° 51' 31"W 124.23 feet from station 39+01.82 on Tarkiln Hill Road Baseline, thence

S 81° 16' 28" W a distance of 16.00 feet to a point, thence

N 09° 05' 51" W a distance of 4.00 feet to a point, thence

N 80° 54' 09" E a distance of 16.00 feet to a point, thence

S 9° 05' 51" E a distance of 4.10 feet by the sideline of Church Street to the point of beginning. Said easement contains an area of 65 square feet, more or less.

**Permanent Easement U-8:** An easement over a parcel of land being shown as U-8 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51'



31"W 33.00 feet from station 39+57.87 on Tarkiln Hill Road Baseline, thence northwesterly

By a curve turning to the right, having a radius of 20.00 feet and a length of 39.71 feet, to a point, thence

N 9° 05' 51" W a distance of 6.65 feet to a point, thence southeasterly

By a curve turning to the left, having a radius of 20.00 feet and a length of 39.60 feet, to a point, thence

N 57° 27' 49" E a distance of 73.07 feet to a point, thence

S 9° 05' 48" E a distance of 6.20 feet to a point in the northerly sideline of Tarkiln Hill Road, thence

S 57° 08' 29" W a distance of 73.14 feet by the sideline of Tarkiln Hill Road to the point of beginning. Said easement contains an area of 615 square feet, more or less.

**Permanent Easement U-9:** An easement over a parcel of land being shown as U-9 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51' 31"W 33.00 feet from station 41+18.01 on Tarkiln Hill Road Baseline, thence

S 57° 08' 29" W a distance of 87.01 feet along Tarkiln Hill Road to a point, thence

N 9° 05' 48" W a distance of 6.20 feet to a point, thence

N 57° 25' 49" E a distance of 86.80 feet to a point, thence

S 9° 03' 56" E a distance of 5.67 feet by the sideline of Oliver Street to the point of beginning. Said easement contains an area of 472 square feet, more or less.

The temporary easements taken herein consist of the right to enter upon said lands at any time during the effective period of the easements for the alteration and improvement of Kings Highway, including all other uses incidental to said municipal purpose. Said easements are temporary in nature and are to be in effect for three years from the date of this instrument, through June 26, 2022.

### **TE-03**

Beginning at a point in the northerly sideline of Tarkiln Hill Road, thence

Northerly by land now or formerly of Tarkiln Hill Realty Corp 8 feet more or less, thence



Easterly by land now or formerly of Tarkiln Hill Realty Corp 199 feet more or less, thence

Southeasterly by land now or formerly of Tarkiln Hill Realty Corp 8 feet more or less, thence

Westerly along the northerly sideline of Tarkiln Hill Road 145 feet more or less, thence

Northerly by Permanent Utility Easement U-1 4 feet more or less, thence

Westerly by Permanent Utility Easement U-1 6 feet more or less, thence

Southerly by Permanent Utility Easement U-1 4 feet more or less, thence

Westerly along the northerly sideline of Tarkiln Hill Road 50 feet more or less to the point of beginning, said Temporary Easement comprises an area of 1,571 square feet, more or less.

#### **TE-10**

Beginning at a point in the easterly sideline of Worcester Street, thence

Northerly along the easterly sideline of Worcester Street 16 feet more or less, thence

Southeasterly by land now or formerly of Mouratidis, Stathis S & Mouratidis, Polly 13 feet more or less, thence

Northeasterly by land now or formerly of Mouratidis, Stathis S & Mouratidis, Polly 43 feet more or less, thence

Southerly by land now or formerly of BRI Inc. 4 feet more or less, thence

Southwesterly along the northwesterly line of Permanent Utility Easement U-5 54 feet more or less to the point of beginning, said Temporary Easement comprises an area of 269 square feet, more or less.

#### **TE-12**

Beginning at a point in the easterly sideline of Church Street, thence

Easterly by land now or formerly of Paul Pelletier Revocable Trust 2 feet more or less, thence

Southeasterly by land now or formerly of Paul Pelletier Revocable Trust by a curve deflecting to the left a distance of 35 feet more or less, thence

Northeasterly by land now or formerly of Paul Pelletier Revocable Trust 74 feet more or less, thence

Southerly by land now or formerly of Lombard, Mark E 3 feet more or less, thence

Southwesterly along Permanent Utility Easement U-8 73 feet more or less, thence

Northwesterly along Permanent Utility Easement U-8 by a curve deflecting to the right a



distance of 40 feet more or less to the point of beginning, said Temporary Easement comprises an area of 234 square feet, more or less.

**TE-13**

Beginning at a point in the northerly line of Permanent Utility Easement U-9, thence

Northeasterly by land now or formerly of Paul Pelletier Revocable Trust 3 feet more or less, thence

Easterly by land now or formerly of Lombard, Mark E 87 feet more or less, thence

Southwesterly along the northwesterly sideline of Oliver Street 2 feet more or less, thence

Westerly along Permanent Utility Easement U-9 87 feet more or less to the point of beginning, said Temporary Easement comprises an area of 187 square feet, more or less.

No trees on the land taken and no structures affixed thereto are included in the taking, and the owners of the property are allowed (30) days from and after recording of this instrument in the Registry of Deeds by the City in which to remove and take away from the land any trees or structures. Notwithstanding anything to the contrary contained herein, the owners of the property shall not be required to take away from the land any such trees or structures.

IT IS FURTHERED ORDERED, in accordance with the provisions of said Chapter 79, that the following amounts are awarded as compensation for damages sustained by the owner or owners of the property and all other persons, including all mortgagees of record, having any and all interest in the property taken and entitled to any damages by reason of the taking hereby made:

EASEMENT OR PARCEL #	NEW BEDFORD ASSESSOR'S PLAT & LOT #	NAME OF SUPPOSED OWNER	AWARD OF DAMAGES
U-5	127A-2	Stathis Mouratidis	\$9,300.00
TE-10		Polly Mouratidis	\$3,920.00
		587 Tarkiln Hill Rd.	
		New Bedford, MA 027445	
U-7	127A-32, 33 &34	Patricia W. Vagos	\$2,400.00
		555 Church St.	
		New Bedford, MA 02745	

Mortgagee:



		Santander Bank, N.A. formerly Sovereign Bank 450 Penn St. Reading, PA 19602	
U-8 TE-12	127A-53	Paul Pelletier Revocable Trust Paul R. Pelletier & Cathy Pelletier, Trustees 3 Walnut St. Assonet, MA 02702	\$15,920.00 \$5,385.00
U-9 TE-13	127A-68	Mark E. Lombard 543 Tarkiln Hill Rd. New Bedford, MA 02745	\$13,200.00 \$4,525.00
		<u>Mortgagee:</u> Webster Bank formerly First Federal Savings Bank of America One Firstfed Park Swansea, MA 02777	
		<u>Mortgagee:</u> Southcoast Health System Federal Credit Union 101 Page St. New Bedford, MA 02740	
U-1 TE-3	125-13	Tarkiln Hill Realty Corp. 150 Herman Melville Blvd. New Bedford, MA 02740	\$940.00 \$19,750.00
		<u>Easement:</u> Commonwealth Electric Company One Main St. Cambridge, MA 02142	
		<u>Mortgagee:</u> Santander Bank, N.A. formerly Compass Bank for Savings 75 State St. Boston, MA 02109	
		<u>Order of Conditions:</u> City of New Bedford 133 William St. New Bedford, MA 02740	
		<u>Lessee:</u> MW Cell REIT 1 LLC 11900 W. Olympic Blvd. Suite 400 Los Angeles, CA 90064	



IT IS FURTHER ORDERED, that in addition to the above amount, there is also awarded as damages the following sum estimated to be equal to that portion of the taxes assessed upon the property herein taken for Fiscal Year 2019 and 2020 in accordance with the provisions of Massachusetts General Laws, Chapter 79, Section 12, which amount, together with the damages awarded in the preceding paragraph, shall constitute full compensation for the taking herein ordered.

**TAXES FOR FISCAL YEAR 2019-2020**

EASEMENT OR <u>PARCEL #</u>	NEW BEDFORD ASSESSOR'S <u>PLAT &amp; LOT #</u>	<u>NAME OF SUPPOSED OWNER</u>	<u>TAX AWARD</u>
U-5 TE-10	127A-2	Stathis Mouratidis Polly Mouratidis 587 Tarkiln Hill Rd. New Bedford, MA 027445	NONE
U-7	127A-32, 33 & 34	Patricia W. Vagos 555 Church St. New Bedford, MA 02745	NONE
U-8 TE-12	127A-53	Paul Pelletier Revocable Trust Paul R. Pelletier & Cathy Pelletier, Trustees 3 Walnut St. Assonet, MA 02702	NONE
U-9 TE-13	127A-68	Mark E. Lombard 543 Tarkiln Hill Rd. New Bedford, MA 02745	NONE
U-1 TE-3	125-13	Tarkiln Hill Realty Corp. 150 Herman Melville Blvd. New Bedford, MA 02740	NONE

IT IS FURTHER EXPRESSED AND STIPULATED that the order of taking and the awarding damages herein contained does not relieve the owners of land taken from liability for taxes now uncollected for the Fiscal Year 2020 and any prior year, if the same remain unpaid as of the date of this order.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order of taking herein made, certified by her, to be recorded on behalf of the City of New Bedford

in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.

GLE-A  
TY -ERASE  
25/ FIBER USA

# CITY OF NEW BEDFORD

## IN CITY COUNCIL

June 27, 2019

### RECORDED LAND

WHEREAS, the common necessity and convenience of the inhabitants of the City of New Bedford require the taking of land hereinafter described for the purpose of altering and improving Kings Highway, including but not limited to the installation and maintenance of sidewalks, traffic signals, signs and overhead appurtenances, and for all other uses incidental to said municipal purposes; and

WHEREAS, the Department of Public Infrastructure of the City of New Bedford has requested that said land be taken for said purposes; and

WHEREAS, an appraisal of said land has been made on behalf of the taking authority in accordance with Massachusetts General Laws Chapter 79, Section 7A, and has been filed with said authority; and

WHEREAS, an appropriation has been made for the general purpose for which said land is needed;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the City of New Bedford, acting by and through the City Council, and under applicable provisions of Massachusetts General Laws, Chapter 79, and under any and every other power to it granted or implied, hereby takes for itself, by eminent domain, temporary and permanent easements, located in New Bedford as hereinafter described, for the purpose of altering and improving Kings Highway, including but not limited to the installation and maintenance of sidewalks, traffic signals, signs and overhead appurtenances, and for all other uses incidental to said municipal purposes:

**Permanent Easement E-2:** An easement over a parcel of land being shown as E-2 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the easterly sideline of Kings Highway, bearing S 57° 51' 32" E 33.00 feet from station 18+52.74 on Kings Highway Baseline, thence



N 32° 08' 28" E a distance of 234.00 feet to a point, thence southeasterly

By a non-tangent curve to the right, having a radius of 11,360.19 feet and a length of 18.31 feet to a point, thence

S 32° 11' 01" W a distance of 207.92 feet to a point, thence

S 32° 52' 50" E a distance of 29.22 feet to a point, thence

N 57° 51' 32" W a distance of 38.45 feet to the point of beginning. Said easement contains an area of 2,896 square feet, more or less.

**Permanent Easement E-4:** An easement over a parcel of land being shown as E-4 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road, bearing S 32° 51' 31" E 33.00 feet from station 33+82.71 on Tarkiln Hill Road Baseline, thence

N 57° 08' 29" E a distance of 154.45 feet to a point, thence

S 8° 49' 19" E a distance of 0.26 feet to a point, thence

S 56° 03' 12" W a distance of 24.33 feet to a point, thence

S 55° 21' 15" W a distance of 36.50 feet to a point, thence

S 54° 16' 45" W a distance of 96.50 feet to a point, thence northwesterly

By a non-tangent curve to the left, having a radius of 11492.19 feet and a length of 7.23 feet to the point of beginning. Said easement contains an area of 458 square feet, more or less.

**Permanent Easement E-5:** An easement over a parcel of land being shown as E-5 on a plan entitled "Easement Plan of Land Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road, bearing S 32° 51' 31" E 33.00 feet from station 39+03.49 on Tarkiln Hill Road Baseline, thence

N 57° 08' 29" E a distance of 20.70 feet to a point, thence southeasterly

By a curve turning to the left, having a radius of 15.00 feet and a length of 17.32 feet to a point, thence

S 9° 01' 04" E a distance of 40.00 feet to a point, thence

S 80° 58' 56" W a distance of 10.00 feet to a point in the easterly sideline of Church Street, thence

N 9° 01' 04" W a distance of 45.35 feet to the point of beginning. Said easement contains an area of 492 square feet, more or less.

**Permanent Easement U-2:** An easement over a parcel of land being shown as U-2 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51' 31" W 33.00 feet from station 34+10.54 on Tarkiln Hill Road Baseline, thence

N 57° 08' 29" E a distance of 183.27 feet by the northerly sideline of Tarkiln Hill Road to a point in the westerly sideline of Worcester Street, thence

N 9° 04' 51" W a distance of 47.13 feet along the westerly sideline of Worcester Street to a point, thence

S 2° 40' 50" E a distance of 44.11 feet to a point, thence

S 57° 08' 29" W a distance of 178.01 feet to a point, thence northwesterly

By a non-tangent curve to the left, having a radius of 11,493.36 feet and a length of 5.42 feet to the point of beginning. Said easement contains an area of 1,019 square feet, more or less.

**Permanent Easement U-3:** An easement over a parcel of land being shown as U-3 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road, bearing S 32° 51' 31" E 33.00 feet from station 35+63.65 on Tarkiln Hill Road Baseline, thence

S 4° 46' 33" E a distance of 16.08 feet to a point, thence

S 85° 13' 27" W a distance of 6.00 feet to a point, thence

N 4° 46' 33" W a distance of 10.60 feet to a point, thence southwesterly

By non-tangent curve to the left, having a radius of 1,465.50 feet and a length of 19.52 feet to a point, thence

N 8° 49' 19" W a distance of 2.26 feet to a point in the southerly sideline of Tarkiln Hill Road, thence

N 57° 08' 29" E a distance of 26.48 feet along the southerly sideline of Tarkiln Hill Road to the point of beginning. Said easement contains an area of 133 square feet, more or less.

**Permanent Easement U-4:** An easement over a parcel of land being shown as U-4 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road,



New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of Worcester Street, bearing N 32° 51' 31"W 129.92 feet from station 36+36.51 on Tarkiln Hill Road Baseline, thence

S 80° 55' 09" W a distance of 22.00 feet to a point, thence

N 9° 04' 51" W a distance of 6.00 feet to a point, thence

N 80° 55' 09" E a distance of 22.00 feet to a point, thence

S 9° 04' 51" E a distance of 6.00 feet by the sideline of Worcester Street to the point of beginning. Said easement contains an area of 132 square feet, more or less.

**Permanent Easement U-6:** An easement over a parcel of land being shown as U-6 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Tarkiln Hill Road, bearing N 32° 51' 31"W 33.00 feet from station 37+02.66 on Tarkiln Hill Road Baseline, thence

N 8° 53' 32" W a distance of 5.69 feet to a point, thence

N 57° 08' 29" E a distance of 141.70 feet to a point, thence

N 0° 18' 44" W a distance of 100.19 feet to a point, thence

S 81° 04' 05" W a distance of 15.50 feet to a point, thence

N 09° 05' 51" W a distance of 2.00 feet to a point, thence

N 81° 16' 28" E a distance of 16.00 feet to a point, thence

S 9° 05' 51" E a distance of 99.68 feet to a point, thence

S 57° 08' 29" W a distance of 158.99 feet by the sideline of Tarkiln Hill Road to the point of beginning. Said easement contains an area of 1,610 square feet, more or less.

**Permanent Easement U-10:** An easement over a parcel of land being shown as U-10 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of Church Street, bearing S 32° 51' 31"E 186.98 feet from station 37+69.84 on Tarkiln Hill Road Baseline, thence

S 9° 01' 04" E a distance of 6.21 feet along Church Street to a point, thence

S 65° 59' 03" W a distance of 10.39 feet to a point, thence



N 24° 00' 57" W a distance of 6.00 feet to a point, thence

N 65° 59' 03" E a distance of 12.00 feet to the point of beginning. Said easement contains an area of 67 square feet, more or less.

**Permanent Easement U-11:** An easement over a parcel of land being shown as U-11 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Park Avenue, bearing S 32° 51' 31" E 204.74 feet from station 39+25.20 on Tarkiln Hill Road Baseline, thence

N 10° 48' 35" W a distance of 4.00 feet to a point, thence

N 79° 11' 25" E a distance of 6.00 feet to a point, thence

S 10° 48' 35" E a distance of 5.39 feet to a point in the northerly sideline of Park Avenue, thence

N 87° 45' 52" W a distance of 6.16 feet along Park Avenue to the point of beginning. Said easement contains an area of 28 square feet, more or less.

**Permanent Easement U-12:** An easement over a parcel of land being shown as U-12 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road bearing S 32° 51' 31" E 33.00 feet from station 42+47.16 on Tarkiln Hill Road Baseline, thence

N 57° 08' 29" E a distance of 6.00 feet along Tarkiln Hill Road to a point, thence

S 32° 51' 31" E a distance of 5.00 feet to a point, thence

S 57° 08' 29" W a distance of 6.00 feet to a point, thence

N 32° 51' 31" W a distance of 5.00 feet to the point of beginning. Said easement contains an area of 30 square feet, more or less.

**Permanent Easement U-13:** An easement over a parcel of land being shown as U-13 on a plan entitled "Easement Plan of Land, Kings Highway and Tarkiln Hill Road, New Bedford, MA (Bristol County)", dated April 24, 2019, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA, recorded herewith (the "Plan"), said easement being more particularly bounded and described as follows:

Beginning at a point on the southerly sideline of Tarkiln Hill Road bearing N 32° 51' 31" W 33.00 feet from station 42+19.08 on Tarkiln Hill Road Baseline, thence

S 57° 08' 29" W a distance of 46.42 feet along Tarkiln Hill Road to a point that is the intersection of Tarkiln Hill Road and Oliver Street, thence



N 9° 03' 56" W a distance of 4.97 feet along Oliver Street to a point, thence

N 62° 59' 14" E a distance of 44.65 feet to the point of beginning. Said easement contains an area of 106 square feet, more or less.

The temporary easements taken herein consist of the right to enter upon said lands at any time, during the effective period of the easements, for the alteration and improvement of Kings Highway, including all other uses incidental to said municipal purpose. Said easements are temporary in nature and are to be in effect for three years from the date of this instrument, through June 26, 2022.

**TE-02**

Beginning at a point in the southerly line of Permanent Easement E-2, thence

Easterly along Permanent Easement E-2 103 feet more or less, thence

Southerly by land now or formerly of Michael Panagakos 20 feet more or less, thence

Westerly by land now or formerly of Michael Panagakos 40 feet more or less, thence

Northerly by land now or formerly of Michael Panagakos 19 feet more or less, thence

Westerly by land now or formerly of Michael Panagakos 58 feet more or less, thence

Southwesterly by land now or formerly of Michael Panagakos 71 feet more or less, thence

Northerly by land now or formerly of Cedar-King LLC 43 feet more or less, thence

Northeasterly by land now or formerly of Michael Panagakos 29 feet more or less to the point of beginning, said Temporary Easement comprises an area of 1,302 square feet, more or less.

**TE-04**

Beginning at a point in the northerly sideline of Tarkiln Hill Road, thence

Northwesterly by land now or formerly of Tarkiln Hill Realty Corp 8 feet more or less, thence

Northeasterly by land now or formerly of Tarkiln Hill Realty Corp 62 feet more or less, thence

Southeasterly by land now or formerly of Massachusetts Department of Transportation 13 feet more or less, thence

Westerly along the northerly sideline of Tarkiln Hill Road 63 feet more or less to the point of beginning, said Temporary Easement comprises an area of 630 square feet, more or less.

**TE-05**

Beginning at a point in the northerly line of Permanent Utility Easement U-2, thence

Northeasterly by land now or formerly of Massachusetts Department of Transportation 3 feet more or less, thence

Easterly by land now or formerly of Jan Co Inc. 179 feet more or less, thence

Southwesterly by land now or formerly of Jan Co Inc. 3 feet more or less, thence

Westerly by Permanent Utility Easement U-2 178 feet more or less to the point of beginning, said Temporary Easement comprises an area of 561 square feet, more or less.

**TE-06**

Beginning at a point along the southeasterly line of Permanent Easement E-4, thence

Northeasterly along Permanent Easement E-4 97 feet more or less, thence

Northeasterly along Permanent Utility Easement E-4 37 feet more or less, thence

Northeasterly along Permanent Utility Easement E-4 24 feet more or less, thence

Southwesterly by land now or formerly of Park Plaza NB, LLC 6 feet more or less, thence

Southwesterly by land now or formerly of Depot Street Trust 79 feet more or less, thence

Southeasterly by land now or formerly of Depot Street Trust 10 feet more or less, thence

Southwesterly by land now or formerly of Depot Street Trust 40 feet more or less, thence

Northwesterly by land now or formerly of Depot Street Trust 10 feet more or less, thence

Southwesterly by land now or formerly of Depot Street Trust 38 feet more or less, thence

Northeasterly by land now or formerly of Massachusetts Department of Transportation 6 feet more or less to the point of beginning, said Temporary Easement comprises an area of 1,231 square feet, more or less.

**TE-07**

Beginning at a point in the southerly line Permanent Utility Easement U-3, thence

Easterly along Permanent Utility Easement U-3 by a curve deflecting to the right a distance of 20 feet more or less, thence

Southwesterly along Permanent Utility Easement U-3 5 feet more or less, thence

Westerly by land now or formerly of Park Plaza NB, LLC 19 feet more or less, thence

Northeasterly by land now or formerly of Depot Street Trust 4 feet more or less to the point of beginning, said Temporary Easement comprises an area of 75 square feet, more or less.



**TE-08**

Beginning at a point in the southerly sideline of Tarkiln Hill Road, thence

Easterly along the southerly sideline of Tarkiln Hill Road 13 feet more or less, thence

Southeasterly along the southwesterly sideline of Park Avenue 9 feet more or less, thence

Westerly by land now or formerly of Park Plaza NB, LLC 23 feet more or less, thence

Northeasterly along Permanent Utility Easement U-3 6 feet more or less to the point of beginning, said Temporary Easement comprises an area of 93 square feet, more or less.

**TE-11**

Beginning at a point in the northerly line of Permanent Utility Easement U-6, thence

Northeasterly by land now or formerly of Mouratidis, Stathis S & Mouratidis, Polly 4 feet more or less, thence

Easterly by land now or formerly of BRI Inc. 127 feet more or less, thence

Northeasterly by land now or formerly of BRI Inc. 31 feet more or less, thence

Southwesterly along Permanent Utility Easement U-6 24 feet more or less, thence

Westerly along Permanent Utility Easement U-6 142 feet more or less to the point of beginning, said Temporary Easement comprises an area of 668 square feet, more or less.

**TE-14**

Beginning at a point in the southerly sideline of Tarkiln Hill Road, thence

Easterly by the southerly sideline of Tarkiln Hill Road 172 feet more or less, thence

Southwesterly along the northwesterly sideline of Oliver Street 5 feet more or less, thence

Westerly by land now or formerly of ARC CBNBDMA001, LLC 181 feet more or less, thence

Northeasterly along Permanent Easement E-5 by a curve deflecting to the right a distance of 13 feet more or less to the point of beginning, said Temporary Easement comprises an area of 893 square feet, more or less

**TE-15**

Beginning at a point in the westerly sideline of Worcester Street, thence

Southerly along the westerly sideline of Worcester Street 5 feet more or less, thence

Westerly by land now or formerly of Jan Co. Inc. 24 feet more or less, thence

Northerly by land now or formerly of Jan Co. Inc. 11 feet more or less, thence

Easterly by land now or formerly of Jan Co. Inc. 2 feet more or less, thence

Southerly along Permanent Utility Easement U-4 6 feet more or less, thence

Easterly along Permanent Utility Easement U-4 22 feet more or less to the point of beginning, said Temporary Easement comprises an area of 137 square feet, more or less.

No trees on the land taken and no structures affixed thereto are included in the taking, and the owners of the property are allowed (30) days from and after recording of this instrument in the Registry of Deeds by the City in which to remove and take away from the land any trees or structures. Notwithstanding anything to the contrary contained herein, the owners of the property shall not be required to take away from the land any such trees or structures.

IT IS FURTHERED ORDERED, in accordance with the provisions of said Chapter 79, that the following amounts are awarded as compensation for damages sustained by the owner or owners of the property and all other persons, including all mortgagees of record, having any and all interest in the property taken and entitled to any damages by reason of the taking hereby made:

<u>EASEMENT OR PARCEL #</u>	<u>NEW BEDFORD ASSESSOR'S PLAT &amp; LOT #</u>	<u>NAME OF SUPPOSED OWNER</u>	<u>AWARD OF DAMAGES</u>
E-2	125-113	Michael Panagakos	\$56,420.00
TE-2		914 Mt. Pleasant St. New Bedford, MA 02745	\$15,775.00
<u>Easement:</u> City of New Bedford 133 William Street New Bedford, MA 02740			
<u>Mortgagee:</u> Rockland Trust Bank formerly Slade's Ferry Trust Company 100 Slades Ferry Avenue Somerset, MA 02726			
TE-4	127A-267	Tarkiln Hill Realty Corp 150 Herm an Melville Blvd. New Bedford, MA 02740	\$8,900.00



Mortgagee:  
Santander Bank, N.A.  
formerly Compass Bank for Savings  
75 State St.  
Boston, MA 02109

Lessee:  
AT&T Wireless PCS, LLC  
2729 Prospect Park Drive  
Rancho Cordova, CA 95670

Lender:  
MW Cell REIT 1 LLC  
11900 W. Olympic Blvd.  
Suite 400  
Los Angeles, CA 90064

U-2	127A-1	Jan Co. East, Inc.	\$25,475.00
TE-5		35 Sockanosset Cross Rd.	\$ 8,650.00
U-4		Cranston, RI 02920	\$ 4,270.00
TE-15			\$ 2,550.00

Easement:  
City of New Bedford  
133 William Street  
New Bedford, MA 02740

E-4	126-222	Michael W. Panagakos	\$14,000.00
TE-6		133 Faunce Corner Road	\$15,450.00
		Dartmouth, MA 02747	

Easement:  
Commonwealth Electric Company  
800 Boylston St.  
Boston, MA 02199

Easement:  
City of New Bedford  
133 William St.  
New Bedford, MA 02740

U-6	127A-3&30	BRI, Inc.	\$36,225.00
TE-11		2 Taunton St.	\$9,400.00
		Plainville, MA 02762	

E-5	126-2	ARC CBNBDMA001, LLC	\$15,000.00
TE-14		106 York Road	\$12,215.00
U-11		Jenkintown, PA 19046	\$1,090.00

Lessee:  
RBS Citizens, N.A.  
One Citizens Plaza  
Providence, RI 02903

		<u>Mortgagee:</u> Santander Bank, N.A. formerly Sovereign Bank 75 State St. Boston, MA 02109	
U-3	126-229	Park Plaza N.B., LLC	\$4,655.00
TE-7		56 Potomska St.	\$1,400.00
TE-8		New Bedford, MA 02740	\$1,735.00
		<u>Mortgagee:</u> Taunton Federal Credit Union 14 Church St. Taunton, MA 02780	
U-10	126-221	Park Plaza N.B., LLC	\$2,475.00
		56 Potomska St.	
		New Bedford, MA 02740	
		<u>Easement:</u> City of New Bedford New Bedford Department of Public Infrastructure 1105 Shawmut Ave. New Bedford, MA 02746	
		<u>Mortgagee:</u> Taunton Federal Credit Union 14 Church St. Taunton, MA 02780	
U-12	126-8	Jacinto Quintal	\$1,170.00
		Honorina Quintal	
		522 Tarkiln Hill Rd.	
		New Bedford, MA 02745	
		<u>Mortgagee:</u> Fleet National Bank Retail Loan Servicing 315-317 Court St. P.O. Box 3092 Utica, NY 13502	
		<u>Mortgagee:</u> Nationstar Mortgage, LLC 350 Highland Drive Lewisville, TX 75067	
U-13	127A-89	Edward K. Rose	\$3,700.00
		Constance M. Rose	
		312 Oliver St.	
		New Bedford, MA 02745	

Mortgagee:  
Nationstar Mortgage, LLC  
d/b/a Champion Mortgage Company  
8950 Cypress Waters Blvd.  
Coppell, TX 75019

Mortgagee:  
Secretary of Housing and Urban  
Development  
451 Seventh St., S.W.  
Washington, D.C. 20410

IT IS FURTHER ORDERED, that in addition to the above amount, there is also awarded as damages the following sum estimated to be equal to that portion of the taxes assessed upon the property herein taken for Fiscal Year 2019 and 2020 in accordance with the provisions of Massachusetts General Laws, Chapter 79, Section 12, which amount, together with the damages awarded in the preceding paragraph, shall constitute full compensation for the taking herein ordered.

**TAXES FOR FISCAL YEAR 2019-2020**

<u>EASEMENT OR PARCEL #</u>	<u>NEW BEDFORD ASSESSOR'S PLAT &amp; LOT #</u>	<u>NAME OF SUPPOSED OWNER</u>	<u>TAX AWARD</u>
E-2 TE-2	125-113	Michael W. Panagakos 914 Mt. Pleasant St. New Bedford, MA 02745	NONE
TE-4	127A-267	Tarkiln Hill Realty Corp 150 Herman Melville Blvd. New Bedford, MA 02740	NONE
U-2 TE-5 U-4 TE-15	127A-1	Jan Co. East, Inc. 35 Sockanosset Cross Rd. Cranston, RI 02920	NONE
E-4 TE-6	126-222	Michael Panagakos 133 Faunce Corner Road Dartmouth, MA 02747	NONE
U-6 TE-11	127A-3&30	BRI, Inc. 2 Taunton St. Plainville, MA 02762	NONE
E-5 TE-14	126-2	ARC CBNBDMA001, LLC 106 York Road	NONE



U-11		Jenkintown, PA 19046	
U-3	126-229	Park Plaza N.B., LLC	NONE
TE-7		56 Potomska St.	
TE-8		New Bedford, MA 02740	
U-10	126-221	Park Plaza N.B., LLC	NONE
		56 Potomska St.	
		New Bedford, MA 02740	
U-12	126-8	Jacinto Quintal	NONE
		Honorio Quintal	
		522 Tarkiln Hill Rd.	
		New Bedford, MA 02745	
U-13	127A-89	Edward K. Rose	NONE
		Constance M. Rose	
		312 Oliver St.	
		New Bedford, MA 02745	

IT IS FURTHER EXPRESSED AND STIPULATED that the order of taking and the awarding damages herein contained does not relieve the owners of land taken from liability for taxes now uncollected for the Fiscal Year 2020 and any prior year, if the same remain unpaid as of the date of this order.

AND BE IT FURTHER ORDERED, that the City Clerk cause a copy of this order of taking herein made, certified by her, to be recorded on behalf of the City of New Bedford in the Registry of Deeds for the Southern District of Bristol County, and to give such other notices as are required by General Laws.





Item Title:

COMMUNICATION AND 3 ORDERS - BOARD OF ASSESSORS - Consumer Price Index FY 2020

Item Detail:

12. COMMUNICATION, Board of Assessors, to City Council, submitting a MOTION passed 3-0, at its Open Meeting on June 19, 2019, and requesting that the City Council ADOPT, and the Mayor APPROVE the THREE ORDERS relating to the annual Consumer Price Index, as determined by the Commissioner of Revenue of a 3.3% increase for Clause 17's for the amount of the exemption to be \$323.00, to accept under Chapter 59, Section 5, Clause 17E to increase the amount of assets to \$65,864.00 to qualifying individuals, and under Chapter 59, Section 5, Clause 41, 41B and 41C, raising the base limit of income for single taxpayers to \$21,405.00 and married couples \$24,701.00 and to raise the assets limit for single taxpayers to \$46,105.00 and married couples \$49,398.00.

12a. AN ORDER, ORDERED, that the base limit of income and the total value of assets of persons qualifying under M.G.L. Chapter 59, Section 5, Clause 41, 41B, and 41C is hereby increased by 3.3% for Fiscal Year 2020. Said increase is equal to the Consumer Price Index.

12b. AN ORDER, ORDERED, that the exemption granted to persons qualifying under M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D, is hereby increased by 3.3% for Fiscal Year 2020. Said increase is equal to the Consumer Price Index.

12c. AN ORDER, ORDERED, that pursuant to M.G.L. Chapter 59, Section 5, Clause 17E, the total value of assets, as set forth in M.G.L. Chapter 59, Section 5, Clause 17, 17C, 17C½ and 17D, is hereby increased by 3.3% for Fiscal Year 2020. Said increase is equal to the Consumer Price Index.

Additional Information:



Item Title:

COMMUNICATION - Aviation Technology Educational Initiative

Item Detail:

13. COMMUNICATION, Council President Morad, submitting a letter to Paul Barton, Chairperson, Airport Commission and Airport Commission Members, regarding her support for the new Aviation Technology educational initiative for New Bedford students.

Additional Information:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> COMMUNICATION - Aviation Technology Educational Initiative Letter	Cover Memo



# City of New Bedford

## Office of City Council

133 William Street • New Bedford, Massachusetts 02740

(508) 979-1455 • Fax: 508-979-1451

### Linda M. Morad

Councillor at Large  
City Council President  
2016, 2018 & 2019

June 11, 2019

New Bedford Regional Airport Commission

Chairperson Paul Barton

1569 Airport Road

New Bedford, MA 02745

Reference: Airport Commission Meeting Agenda - June 12, 2019

Training facility for Greater New Bedford Regional Vocational Technical High  
School (GNBRVTHS)

Dear Chairperson Barton and Members of the Airport Commission:

I am writing in reference to the above referenced request which is to be heard by the Airport Commission on Wednesday, June 12, 2019. Unfortunately, I am not able to attend the meeting due to a previously scheduled City Council Committee meeting being conducted for the same date and time. I would however like to offer my support for this exciting new initiative being proposed to augment the education of students in the Greater New Bedford area.

For the last several years under the leadership of Superintendent James O'Brien, GNBRVTHS has been expanding and modernizing the curriculum being offered to students in an effort to enhance their educational experience and to prepare students for today's changing workplace. The new Aviation Technology initiative, which is a natural addition to the STEM program offered at GNBRVTHS, will exposure students to the various components of aviation science and provide a seamless transition in furthering their education in collaboration with the Airport's current educational facility, Bridgewater State University.

The preliminary plans submitted for your consideration not only begin the process in making this educational program a reality for New Bedford students, it also provides another revenue stream for the Airport and restores a historically significant building located on the Airport footprint. I ask you to join me in supporting this exciting new educational initiative.

Kindly read this letter into the record of the New Bedford Regional Airport Commission meeting to make those in attendance and the general public aware of my support. Thank you in advance for your attention to this correspondence and for your favorable consideration of this request.

Sincerely,

Linda M. Morad

City Council President and Councillor At Large

xc: Superintendent James O'Brien, GNBRVTHS

Ward 1 City Councillor William Markey

Residence: 4162 Acushnet Avenue • New Bedford, MA 02745 • Tel (508) 995-8009

Email: Linda.Morad@newbedford-ma.gov



Item Title:

WRITTEN MOTION - CANNABIS CONTROL COMMISSION

Item Detail:

01/10/2019 WRITTEN MOTION, Councillor Gomes, requesting that the City Council forward a letter of request to the Commonwealth of Massachusetts' Cannabis Commission as to whether the City is following State Law regarding marijuana establishments in the City; and further, enclosed in the letter, please include a copy of the 11-page "Screening Form/Application for a Marijuana Establishment Host Community Agreement", and a copy of the City's zoning map that has been put forth by the Mayor's Review Committee, comprised of the City Solicitor, the City Planner, the Chief of Police, the Chief Financial Officer, the Director of Inspectional Services, the Director of Planning, Housing and Community Development and the City's Health Director; asking that the Cannabis Control Commission review the application and the zoning map and report back to the City Council as to whether this Application process and zoning map applies to the laws of the Commonwealth of Massachusetts' Cannabis Control Commission; and further, that Steven Hoffman, Chairman of the Massachusetts Cannabis Control Commission or a representative, meet with the Special Committee on Licensing and Zoning for Cannabis to discuss whether the City has followed Massachusetts Laws and policies regarding marijuana establishments in the City of New Bedford.

Additional Information:



Item Title:  
SPECIAL ACCOMODATIONS

Item Detail:

***In accordance with the Americans with Disabilities Act (ADA),  
if any accommodations are needed, please contact the City Council Office at 508-979-1455. Requests  
should be made as soon as possible but at least 48 hours prior to the scheduled meeting.***

Additional Information: